

Appln. No.: 10/507,286
Amendment Dated January 5, 2006
Reply to Office Action of September 9, 2005

NSG-238US

Remarks/Arguments:

Claims 1-10 are pending in the above-identified application. Claims 1-3, 5, 6, 8 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gibson. This ground for rejection is overcome by the amendments to claims 1 and 9. In particular, Gibson does not disclose or suggest, "collecting water by a wiping operation," as required by amended claim 1 or "the water being carried to the detection area by wiping," as required by amended claim 8.

Gibson concerns a windshield wiper control apparatus in which water is detected by a sensor 14 located on the back of the side view mirror 17. (See Fig. 1 and column 2, lines 45-49). While Gibson does state, at column 4, lines 57-60 that the sensor could be placed at other positions, he does not disclose or suggest any sensor that collects water by a wiping operation, as required by the amended claims. Indeed, because Gibson discloses changing the speed of the wiper in response to the number of missed pulses (see column 4, lines 29-33), it would be counterintuitive to mount the sensor in a location where it would sense water collected by the wiper because when the wiper passes over the sensor, a relatively large volume of water would be provided which would cause the system to erroneously determine that the intensity of the rain had increased.

Because Gibson does not disclose or suggest this feature of claims 1 and 8, these claims are not subject to rejection under 35 U.S.C. § 102(b) in view of Gibson. Claims 2, 3, 5 and 6 depend from claim 1 and are not subject to rejection under 35 U.S.C. § 102(b) in view of Gibson for at least the same reasons as claim 1.

Claim 4 was rejected under 35 U.S.C. § 103(a) as being obvious in view of Gibson and Ausiello. This ground for rejection is overcome by the amendment to claim 1. Gibson is described above. Ausiello concerns a vehicle wiper control device in which rain is sensed responsive to the instantaneous friction between the wiper blade and the vehicle window and the aerodynamic load acting on the wiper blade (see column 2, lines 25-38). Ausiello does not disclose or suggest a sensor that collects water into a detection area by a wiping operation, as required by amended claim 1. Accordingly, Ausiello does not provide the material that is missing from Gibson. Thus, claim 1, and claim 4 which depends from it, are not subject to rejection under 35 U.S.C. § 103(a) in view of Gibson and Ausiello.

Applicants gratefully acknowledge the indication in the Office Action that claim 7 is objected to as being dependent from a rejected base claim but would be allowable if amended

Appln. No.: 10/507,286
Amendment Dated January 5, 2006
Reply to Office Action of September 9, 2005

NSG-238US

to include the limitations of claim 1 from which it depends. Claim 7 has been so amended and, thus, is in condition for allowance.

Newly added claim 10 depends from claims 1 or 2 and is not subject to rejection in view of any of the cited references for at least the same reasons as claim 1.

In view of the foregoing amendments and remarks, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1-6, 8 and 9 and the objection to claim 7. Applicants also request the Examiner to allow newly-added claim 10.

Respectfully submitted,



Kenneth N. Nigon, Reg. No. 31,549
Attorney(s) for Applicant(s)

KNN/pb

Dated: January 5, 2006

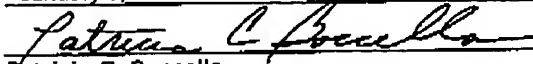
☒ P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

☐ P.O. Box 1596
Wilmington, DE 19899
(302) 778-2500

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being filed via Facsimile Transmission to Facsimile No. 1-571-273-8300 addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

January 5, 2006


Patricia C. Boccella

PCB_1:\NSG\238US\09.26.05AMENDMENT.DOCd